

Appl. No. 10/790,227
Amendment dated August 2, 2005
Reply to Office Action of May 12, 2005

REMARKS

In the May 12, 2005 Office Action, claims 1 and 20 stand rejected under judicially created doctrine of obviousness-type double patenting while claims 2-4, 10 and 13-19 were indicated as containing allowable subject matter. Claims 5-9, 11 and 12 were withdrawn from consideration as directed to non-elected inventions. No other objections or rejections were made in the Office Action.

Status of Claims and Amendments

In response to the May 12, 2005 Office Action, none of the claims are being amended by the current Request for Reconsideration as explained below. Applicants wish to thank the Examiner for the indication of allowable subject matter and the thorough examination of this application. However, reexamination and reconsideration of the pending claims are respectfully requested in view of the following comments.

Interview Summary

On July 27, 2005, the undersigned conducted a telephonic interview with Examiner Vu, who is in charge of the above-identified patent application. Applicants wish to thank Examiner Vu for the opportunity to discuss the above-identified patent application.

During the interview, Applicants' representative asserted that the limitations recited in claims 1 and 20 of the present invention were not obvious over claim 30 of U.S. Patent No. 6,863,343 (hereinafter "the '343 patent"). Specifically, Applicants' representative argued that the auxiliary force adding device or means recited in claim 1 or 20 is not disclosed or suggested by claim 30 of the '343 patent. Thus, Applicants' representative requested clarification of the part of claim 30 of the '343 patent that corresponds to the auxiliary force adding device or means recited in claim 1 or 20. Examiner Vu indicated the tensioning

Appl. No. 10/790,227
Amendment dated August 2, 2005
Reply to Office Action of May 12, 2005

device recited in claim 30 of the '343 patent corresponds to the auxiliary force adding device or means recited in claim 1 or 20, and thus, renders the claims obvious.

In response, the Applicants' representative presented arguments that the tensioning device of claim 30 of the '343 patent does not apply *an auxiliary urging force to the left and right headrest members in the deployment direction* of the head restraining member as recited in claims 1 and 20. Rather, the tensioning device of claim 30 of the '343 patent recites applying *a tensile force to the head restraining member*, not to the left and right headrest members, *after* the left and right headrest members are swung forward (i.e., *when* the head restraining member has been deployed to a *swung forward state*). Thus, Applicants' representative argued that the auxiliary force adding device or means as recited in claim 1 or 20 is not rendered obvious by the tensioning device recited in claim 30 of the '343 patent.

No agreement was reached during the interview. However, Examiner Vu indicated that he would discuss Applicants' arguments with his supervisor upon Applicants filing a written response.

Entry of February 22, 2005 Request for Reconsideration

On page 3 of the Office Action, the Office Action indicates that Applicants' February 22, 2005 Request for Reconsideration has been fully considered and persuasive. Thus, the prior art rejection in December 2, 2004 Office Action has been withdrawn.

Double Patenting Rejection

On page 2 of the Office Action, claims 1 and 20 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 30 of the '343 patent. Applicants respectfully disagree with this rejection. Applicants respectfully assert that a vehicle headrest apparatus as recited in claims 1 and 20 of the present application is *not obvious* over the vehicle headrest apparatus recited in claim 30 of the '343 patent.

More specifically, independent claims 1 and 20 both recite a vehicle headrest apparatus with an *auxiliary force adding device or means* configured and arranged to *apply an auxiliary urging force* to the left and right headrest members *in the deployment direction* of the head restraining member. Clearly, this structure is *not* disclosed or suggested by claim 30 of the '343 patent.

As mentioned above, Examiner Vu indicated, during the interview of July 27, 2005, that the tensioning device of the '343 patent corresponds to the auxiliary force adding device or means of the present invention. However, Applicants believe the auxiliary force adding device or means recited in claim 1 or 20 is patentably distinct from the tensioning device of the '343 patent because the tensioning device recited in claim 30 of the '343 patent is configured and arranged completely differently from the auxiliary force adding device of the present invention (see the below comparison of the corresponding portions of claim 1 of the present application and claim 30 of the '343 patent).

THE PRESENT APPLICATION - CLAIM 1

an auxiliary force adding device configured and arranged to *apply an auxiliary urging force to the left and right headrest members* in the *deployment direction* of the head restraining member;

THE '343 PATENT- CLAIM 30

a tensioning device operatively *coupled to the vertical support portion* to *apply tension* in at least part of the vertical support portion of the head restraining member *when the left and right headrest members are in a swung forward state* and to reduce deflection of the vertical support portion during elastic deformation of the vertical support portion.

More specifically, claim 30 of the '343 patent requires a tensioning device that *applies tension* in at least part of the vertical support portion of the head restraining member when the left and right headrest members are *in a swung forward state*. For example, the '343 patent explains in column 7, lines 5-8 that the tensioning device is configured and arranged to

Appl. No. 10/790,227
Amendment dated August 2, 2005
Reply to Office Action of May 12, 2005

hold "the flexible sheet member 13 in the expanded state such that the flexible sheet member 13 is under tension". Thus, the *tensioning device* of the '343 patent is configured and arranged to *apply a tensile force to the head restraining member* (e.g., the flexible sheet member 13), *not* to the left and right headrest members. In contrast, the *auxiliary force adding device or means* of claim 1 and 20 is configured and arranged *to apply the urging force to the left and right headrest members*. Moreover, in the '343 patent, the tensioning device is configured and arranged to apply the tensile force to the head restraining member *after* the left and right headrest members are swung forward so that the head restraining member is under tension when the left and right headrest members are in the swung forward state (e.g., when the flexible sheet member 13 is in the expanded state). The *tension force of the tensioning device* recited in claim 30 of the '343 patent is directed substantially *perpendicular to the deployment direction*. In other words, the tensioning device of the '343 patent does *not* apply any urging force to the left and right headrest members *in the deployment direction* of the head restraining member.

Therefore, the structures of the tensioning device recited in claim 30 of the '343 patent and the auxiliary force adding device recited in claims 1 and 20 of the present invention are so distinct from each other that one of ordinary skilled in the art would not find it obvious to modify the tensioning device recited in claim 30 of the '343 patent to the auxiliary force adding device as recited in claims 1 and 20 of the present invention.

Accordingly, Applicants believe the vehicle headrest apparatus recited in claims 1 and 20 of the present application is *not* an obvious variation of a vehicle headrest recited in claim 30 of the '343 patent. Withdrawal of the rejection is respectfully requested.

Appl. No. 10/790,227
Amendment dated August 2, 2005
Reply to Office Action of May 12, 2005

Allowable Subject Matter

On page 2 of the Office Action, claims 2-4, 10 and 13-19 were indicated as containing allowable subject matter. Applicants wish to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Applicants have not placed these claims in independent form, since Applicants believe that claim 1 is allowable.

Rejoinder of Non-elected Claims

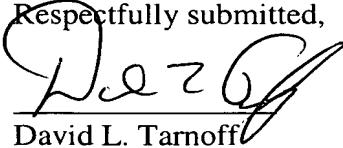
Claims 5-9, 11 and 12 were withdrawn from further consideration as being directed to non-elected species. However, Applicants respectfully request that claims 5-9, 11 and 12 be rejoined in this application. Specifically, claims 5-9, 11 and 12 depend from claim 1, which Applicants believe are allowable. Moreover, Applicants note the claims 5, 11 and 12 depend from claims that contain allowable subject matter.

Prior Art Citation

In the Office Action, an additional reference was made of record. Applicants believe that this additional reference does not render the claimed invention obvious.

* * *

In view of the foregoing comments, Applicants respectfully assert that claims 1-20 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,

David L. Tarnoff
Reg. No. 32,383

SHINJYU GLOBAL IP COUNSELORS, LLP
1233 Twentieth Street, NW, Suite 700
Washington, DC 20036
(202)-293-0444
Dated: 8-2-05
G:\07-JUL05-NT\NS-US045020 Response.doc